



Appeal Decision

Site visit made on 1 June 2021

by C Rafferty LLB (Hons), Solicitor

Decision by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/V5570/W/3268175

3 Park Place, Islington, London, N1 3JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Winter against the decision of Islington Borough Council.
 - The application Ref P2020/2750/FUL, dated 5 October 2020 was refused by notice dated 9 December 2020.
 - The development proposed is described as "1 storey roof extension".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residents, with particular regard to outlook and light.

Reasons for the Recommendation

4. The appeal site comprises a three storey residential property at the eastern end of an otherwise four storey building. It protrudes further south than the attached properties to the west and at third floor level has a curved roofline adjacent to 41 - 45 Southgate Road.
5. The proposal would introduce an additional storey, bringing the fourth floor element of the building much closer to the neighbouring properties on Southgate Road. While narrower than previous iterations, with the curved element retained, it nonetheless introduces a significant element of built form.
6. Although set further back than the properties below, the proximity of the extension to the rear elevation of the Southgate Road properties would nonetheless reduce the openness experienced at this location. Combined with its depth and bulk, this would create an imposing feature that would clearly change the outlook experienced from the rear windows of the adjacent properties. In this sense it would appear overbearing and dominant from this location, significantly altering the outlook of occupiers such that it would impede their enjoyment of these rooms, making them less pleasant to use.

7. The appellant has submitted an updated Daylight and Sunlight Report, which the Council has provided comments on. This report assesses the impact of the proposal on the light experienced by occupiers of neighbouring properties in line with BRE guidance. While it concludes that one bedroom window in 41 – 43 Southgate Road would not meet the target values, the remaining assessed windows would retain acceptable levels of light with the proposal in place. In addition it is acknowledged that for the purposes of light bedrooms are considered with less sensitivity than living rooms or kitchens. As such, the proposal would not have a significant impact in this regard and it would be unlikely that nearby occupiers' enjoyment of their properties would be reduced as a result of the proposal.
8. While I find that the development would not have a significantly adverse effect on the living conditions of neighbouring residents, with regard to light, it would have a significantly adverse effect on their living conditions with regard to outlook. Accordingly, the proposed development fails to comply with Policy DM2.1 of Islington's Local Plan Development Management Policies June 2013, which seeks to ensure that development respects the amenity of occupiers of neighbouring buildings.

Other Matters

9. The appellant has referred to the fact that the adjoining block has recently been extended and points out that all other properties in the estate are at least four stories high. The proposal must be assessed on its own site-specific circumstances and I have found that it would cause harm. Reference to development elsewhere where the circumstances are not comparable carries little weight.
10. While the appellant has a growing family and wishes to stay in the area, personal circumstances can be afforded little weight. I am also not persuaded that there are no alternatives that could address the appellant's needs without policy conflict.
11. It is acknowledged that the proposal does not lead to the loss of green space, creates an additional bed space and increases the occupancy of the flat in line with national space standards. However, given the single dwelling element of the proposal it would make a limited contribution in this regard and is not sufficient to outweigh the harm identified above.

Conclusion and Recommendation

12. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR